

REMARKS/ ARGUMENTS

The foregoing amendment and the remarks which follow are responsive to the office action dated July 9, 2003. In that office action, the drawings and specification were objected to, Claims 22-25 were rejected under 35 U.S.C. § 112 and each of Claims 1-25 were rejected under 35 U.S.C. § 102 and/or 103 as being anticipated by or unobvious over United States Patent No. 2, 864, 389 (Smith) alone or in combination with one or more secondary references.

Drawing Objection

The drawings were objected to on grounds that reference numeral “26” was not referred to in the specification. By the foregoing amendment, Applicant has amended the paragraph that extends from page 7, line 14 to page 8, line 9, to include the reference numeral 26. Thus, the drawing objection has been overcome.

Objections to Specification

In the office action, the reference to Figures 13 and 14 in the specification was objected to. By the foregoing amendment, Applicant has amended the specification to remove all reference to Figures 13 and 14. Thus, this objection has been overcome.

Also, the Examiner objected to a typographical error (“strut members 16”) that appeared on page 5, line 22. By the foregoing amendment, Applicant has corrected this error (“strut members 16”). Thus, this objection has been overcome.

Claim Rejections—35 U.S.C. § 112

By the amendments made to Claims 2,9, 11, 13, 14, 16, 18, 19, 20, 21, 22, it is believed that all of the grounds for indefiniteness stated in the office action have been overcome, except for the use of the use of the phrase “A collapsible structure according to Claim ___” at the

beginning of each dependent claim. Applicant respectfully submits that this language does comport will 35 U.S.C. § 112 and has been acceptable to the office in many other patent applications and many other issued patents over the years. Indeed, each claim of this application does not merely read on a single collapsible structure. Rather, each claim is broad enough to read on many different collapsible structures which share the elements recited in that claim. Thus, it is more accurate to use the phrase "A collapsible structure according to Claim ___" than it would be to use the phrase "The collapsible structure of Claim ___." This selection of claim language is within the scope of that which Applicants are permitted to use and withdrawal of this stated § 112 rejection is respectfully requested.

Claim Rejections—35 U.S.C. § 102 or § 103

By the foregoing amendment, independent Claim 1 has been amended to recite that the exertion of downward pressure the top of the hub assembly will cause the upper and lower hub members to separate from one another and the structure to assume its collapsed configuration. This aspect of Applicant's invention is described in detail in the specification and provides a unique advantage in that it allows a user to collapse the structure by simply pushing down on the upper hub member with one hand.

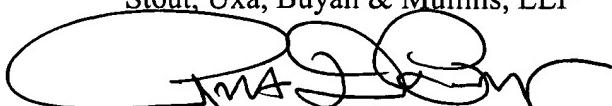
No prior art of record teaches or even suggests this claimed limitation. In fact, the Smith device includes a latch 11 which locks the upper and lower hub members together. Thus, even if one were to exert downward pressure on Smith's upper hub member, such could not cause the upper and lower hub members to separate from one another and clearly would not, without other manipulation (e.g., disengaging latch 11) cause the structure to convert to its collapsed configuration. Thus, for this reason and others not specifically articulated here, it is believed that Claims 1-9 and 11-24 are in condition for allowance over all prior art of record.

Docket No. WNPLS-002A

Issuance of a notice of allowance is earnestly solicited. The Examiner is invited to telephone Applicant's undersigned counsel to discuss this amendment or any further measures that the Examiner believes would facilitate prompt allowance of these claims.

Respectfully submitted,
Stout, Uxa, Buyan & Mullins, LLP

Date: January 9, 2004


Robert D. Buyan, Reg. No. 32,460

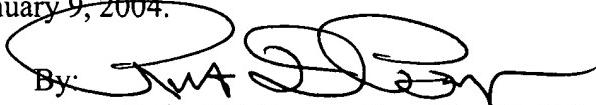
4 Venture, Suite 300
Irvine, CA 92618

Telephone:(949) 450-1750; Facsimile: (949) 450-1764
email: rbuyan@patlawyers.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 9, 2004.

Dated: January 9, 2003


By: Robert D. Buyan, Reg. No. 32, 460